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ABSTRACT

This monograph was prepared for the Correctional Officers Educational Program, a joint project of the AACJC and the ABA Commission on Correctional Facilities and Services, which works toward the expansion of associate degree programs for line personnel through junior and community colleges. The monograph: (1) considers the role of the legislature in strengthening correctional staff; (2) analyzes some approaches currently in force; (3) proposes alternative approaches; and (4) suggests strategies or tactics that corrections administrators, community and junior college educators, bar groups, and others interested in staff improvement might use in dealing with the legislature and legislators. The current legislative approaches discussed are statutory qualifications, civil service or merit systems, Department of Corrections, correctional officer standards and training commission, and local jail personnel. Copies of laws in Massachusetts, Minnesota, Illinois, and Maryland and a proposed law in California are appended. (KM)

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LEGISLATING FOR CORRECTIONAL LINE OFFICER EDUCATION AND TRAINING

by Harvy S. Perlman

American Association of Community and Junior Colleges

American Bar Association Resource Center on Correctional Law and Legal Services

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PREFACE

This monograph was prepared by Professor Harvy S. Perlman of the University of Nebraska School of Law for the Correctional Officers Educational Program (COEP). COEP, a joint project of the American Association of Community and Junior Colleges (AACJC) and the American Bar Association Commission on Correctional Facilities and Services (ABA Commission), has as its primary objective the expansion of associate degree programs for line personnel through community and junior colleges. It is supported by a discretionary grant of the Law Enforcement Assistance Administration, U.S. Department of Justice, awarded to AACJC under the Omnibus Crime Control and Safe Streets Act.

Although the research reflected in the monograph will be touched upon in the forthcoming final report for COEP, it was deemed by AACJC and the ABA to be of sufficient importance and value as a legislative change and law reform document in a key area of correctional improvement need—manpower development and staff education—to warrant separate publication. In this form, it is hoped that the publication will serve as a guidance tool for educational and correctional administrators, legislators, state and local government officials, bar associations, law reform organizations, and civic and business associations interested in strengthening correctional systems. Accordingly, the work has been published under the joint auspices of AACJC and the ABA Commission's Resource Center on Correctional Law and Legal Services.

Inquiries for further information, consultation, and planning/ drafting assistance with respect to legislative proposals or executive regulations relating to the improvement measures discussed in the pamphlet are welcome. They may be directed to either the AACJC Correctional Officers Educational Program (1 Dupont Circle N.W., Suite 410, Washington, D.C. 20036) or the ABA Correctional Law Center (1705 DeSales Street N.W., Washington, D.C. 20036).

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LEGISLATING FOR CORRECTIONAL LINE OFFICER EDUCATION AND TRAINING

The field of criminal corrections is particularly human in its purposes, its programs, and its resources. The correctional process deals with human problems and in large measure these must be solved by the endeavors of appropriately trained and educated personnel. Whether it is in institutions or in community based programs, the line officer is the member of the correctional staff who is in direct contact with the offender. Improved education and training of correctional line officers is critically important if corrections is to effectively cope with its tasks and achieve its goals. The best conceived plans of top administrators may fail unless implementable by middle-management and line officer components of the correctional agency. While most persons recognize the importance of line officer training and educational improvement, the problem of providing both incentives and services toward this end is a difficult one.

Administrative action by corrections officials or new program offerings by community colleges, or pressures from enlightened community groups may, if separately pursued, have little effect on the problem. Efforts to legitimize a comprehensive thrust must inevitably lead to the legislature.*

The purpose of this monograph is (1) to consider the role of the legislature in strengthening correctional staff, (2) to analyze some approaches which are currently in force, (3) to propose some model or alternative approaches, and (4) to suggest some strategies or tactics which corrections administrators, community and junior college educators, bar groups, and others interested in staff improvement might find useful in obtaining an appropriate legislative response.

THE LEGISLATURE'S ROLE IN IMPROVING CORRECTIONAL STAFF

It should be recognized by legislators, corrections officials, and community and junior college administrators that the role of legislation in improving line personnel is a limited one. It can facilitate the attaining of a professional, well-skilled correctional staff; it cannot insure it. On the other hand, restrictive legislation can make sound staff development impossible.

Corrections is not alone in attempting to upgrade personnel. A growing sophistication of state programs requires more skilled governmental employees. Legislating for staff development is a difficult task under any circumstances. It is further complicated in a time where resources are scarce in relationship to the demand for governmental services.

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*For a general review of official action in this area, see COEP Study, *Survey of Legislation, Regulations, and Policies Supportive of Correctional Officer Education*, (Feb. 1973—32pp.)

A legislature can affect staff recruitment and development in four general ways. First, the legislature can create a climate in which qualified staff are not only required but appropriately recognized and allowed to utilize their expertise. For example, a legislative statement of rehabilitation as a goal of corrections encourages persons with preparation in human services and social sciences to work for the correctional agency. A purely punitive system will not as easily attract such individuals even though the administration may set rehabilitation as a goal. Thus, the legislation establishing correctional agencies and programs bears some indirect relationship to the upgrading of correctional personnel.

The three additional legislative inputs into staff development are interrelated. They include compensation and other remuneration, qualifications for hiring, and job security. The legislature can affect each of these three factors. Most existing legislation is related to one or more of these areas. It must be recognized, however, that an integrated approach to all three factors is required before good staff development can take place. For example, educational attainments as a condition for appointment is meaningless unless compensation is set high enough to attract those possessing the qualifications. If community college degree holders are compensated more than persons with only high school education, better educated individuals will be attracted to line positions. And, the higher the qualifications and the more professional the staff becomes, the more likely job security will become an important ingredient in attracting personnel.

Compensation and qualifications are also related in another way. Requests for improved compensation for existing personnel may be rejected where there is little showing of improved qualifications. Yet, it may be difficult for staff to undertake improvement in qualifications and skills without increases in compensation both as an incentive for inservice personnel as well as to attract more qualified recruits.

Qualifications and job security are also related. Most provisions for line officer appointment seek to eliminate political appointments. The historical tradition in corrections is that staff positions were largely filled as political favors. However, restrictions prohibiting political appointments are less effective if the position has no job security attached to it. Firing for political purposes is as destructive of a correctional system as is hiring for similar purposes.

The legislature's role is further complicated by the changing functions of correctional agencies and the new insights as to the type of correctional staff required. Where institutionalization is an almost universal approach to criminal law violators, the need for persons skilled primarily in custody is obvious. However, with the advance of community-based programs and rehabilitation and treatment concepts, the role and job description of the correctional officer is changing. Experimental programs utilizing ex-offenders as correctional staff have proven successful. The need for more staff from minority groups was made explosively obvious at Attica. Enactment of legislation which recognizes only education and training as relevant criteria

for appointment would seriously restrict these developments. In many instances, restrictive legislation has foreclosed or made more difficult experiments with different types of staff personnel.

Ideally, the role of the legislature should be to provide a flexible system whereby qualified people will be recruited, hired, and advanced with job security which protects against political pressures but not against incompetence. Similarly, the legislature should consider programs which provide incentive for in-service personnel to improve their skills and educational experience. However, no state starts from zero in instituting reforms. Personnel policies and programs, generally applicable to all state employees, currently exist. Traditions within a given state may make some approaches unrealistic. No single model proposal can be suggested. It is possible however to analyze existing structures, isolate problems, and recommend appropriate legislative solutions.

CURRENT LEGISLATIVE APPROACHES

A. Statutory Qualifications

In many states, legislatures have for certain governmental positions established qualifications by statute. For the most part, higher administrative positions have been subjected to this type of legislation and statutory qualifications for middle-management and line staff are not common. However, it might be reasonably asked why a legislature should not just enact minimum qualifications for correctional line officers, including levels of educational attainment, as the fastest and most effective means of upgrading personnel. It could additionally be argued that should such qualifications be enacted, it would provide good evidence of a legislative willingness to commit funds toward implementation.

In corrections, it is common to have qualifications in legislation for members of a board of parole or the director or commissioner of corrections. These statutes range from such generalities as "qualifications and training which suit him to manage the affairs of a modern penal institution"* to specific requirements such as "a master's degree or its equivalent in credits from an accredited college or university and at least ten years of experience in working in a correctional program, including five years of progressively increasing responsibilities in an administrative capacity." **The problem with statutory qualifications is that they are often either too general to be effective, too low to be meaningful, too high to be attainable, or irrelevant to the needs of the position. Legislation is difficult to enact and difficult to change. It should be a long-range declaration of public policy. With correctional roles

*S. Carolina Laws § 55-299 (Director of Corrections).
**Arizona Rev. Stat. § 41-1603 (Director of Corrections).

changing at an increasingly rapid pace, it is impossible to know what the correctional line officer will need to be five years from now. Thus, statutory qualifications are a poor device in upgrading such personnel and may in fact seriously undermine the process.

Another characteristic in some states is legislation establishing negative qualifications. Legislation provides that certain persons cannot be employed by government in general, or corrections in particular. Prohibitions against ex-offenders or non-residents are examples. It is increasingly recognized that ex-offenders may be a valuable correctional manpower pool and residency requirements are not only difficult to defend for any purpose but may also be unconstitutional. Those negative qualifications which presently exist should be repealed.

If the legislature is incapable in practice of directly legislating qualifications, then it is inevitable that the power to hire and to establish qualifications for appointment must be delegated to another agency. The manner in which such delegation occurs and to whom may directly affect the ability of correctional agencies to upgrade their personnel.

B. Civil Service or Merit Systems

The most widely used delegation for purposes of establishing qualifications and procedures for hiring line officers in corrections is to civil service or merit boards. The Joint Commission on Correctional Manpower and Training found that of all the adult and juvenile correctional institutions in this country, in sixty percent all personnel but the top administrators were under such systems and in another sixteen percent a part of the staff were under civil service.* In twenty-four percent of the institutions no personnel were under civil service. The extensive use of these systems explains the extensive dissatisfaction with them. The 1967 President's Crime Commission and the Joint Commission on Correctional Manpower and Training have recognized the restraints on reforming all segments of the criminal justice system that civil service represents. On the other hand, no one is particularly enthusiastic about returning to a system where correctional personnel are appointed through political influence rather than merit.

It may be that from a legislative viewpoint there is nothing inherently wrong with a civil service or merit system plan but that the difficulties arise from policies adopted by civil service commissions or the approaches taken by correctional administrators. In some states, corrections and civil service representatives work cooperatively toward enhancing and upgrading correctional personnel. In others, civil service agencies are viewed with suspicion by corrections and are often accused of being a major obstacle to change.

A number of difficulties seem to arise under states with civil service

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* *A Time to Act*, p. 18 (1969).

systems. Many systems lean heavily on written tests as an indicator of competence. It has been well documented that in some instances such tests bear little relation to the job and serve to exclude persons from minority groups and others for whom there is a real need in correctional programming. The Joint Commission recommended that oral interviews and evaluations of work, educational and life experience be substituted for written examinations for correctional staff hiring. In addition, the United States Supreme Court in *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) held that written employment tests which do not demonstrably measure job performance may violate the Federal Civil Rights Act, particularly where their use results in discrimination against minority groups.

Civil service systems also tend to emphasize seniority as a means of promotion and this acts as a restraint to hiring at other than the lower levels of the employment ladder. This precludes movement of personnel with higher qualifications to other agencies and limits the incentive for personnel improvement. Policies which encourage seniority as the only or major measure of promotion should be altered.

In many civil service systems correctional officers are classified with other types of state employees for purposes of pay and other incentives. Attempts to increase the reward for correctional officers are met with the argument that all other employees in the class will be affected and thus the cost will be prohibitive. Classification of government employees inhibits the development of priorities whereby one function of government may be considered more important than others and thus a suitable target for infusion of additional resources. Where legislatures have mandated such a result, they have given up the power of establishing priorities. Where civil service systems have imposed inflexible classifications, they have invaded the power of the legislature to establish public policy. In either event, legislatures should act to insure that priorities can be set and acted upon and that if corrections is a high government priority, correctional workers can be upgraded without allocating similar resources to other agencies. Among state workers, the pressure for "equity" in pay and other remuneration makes such a task even more difficult.

Personal relationships may account in part for the level of cooperation that exists between civil service personnel and correctional agencies. In some states, cooperation is good and civil service staff assist correctional administrators in devising techniques to upgrade correctional officers. In most of these states, corrections has made a point to include civil service staff in program planning from the outset.

Regrettably, in some states, civil service commissions and their staffs do not demonstrate an interest in correctional reform. Merit system managers may view maintenance of their agency as more important than upgrading other agencies' personnel. Or to some merit personnel, corrections may be a low priority as compared to other governmental services. Where relationships are irreparable, resort to the legislature may not only be warranted but essential.

In most states with civil service systems, it is probably not feasible to expect the legislature to totally exempt corrections from general state personnel policies. However, there are ways in which a legislature can, short of total exemption, compel civil service commissions to respond more favorably toward upgrading correctional staff as a high state priority.

In Massachusetts the legislature has authorized the Department of Corrections to conduct special training programs for recruits and to utilize these recruits in special on-the-job programs without compliance with normal civil service requirements. See Appendix A. It may also be possible to obtain from the legislature a specific statement that correctional officer improvement is of high priority or a directive to the civil service commission to work with the department of corrections in devising programs for upgrading line staff. In some states, a legislative committee may be in a position to direct that cooperative programs be developed. A legislature may respond favorably to the argument that it, not the civil service commission, should establish priorities in upgrading governmental services. Legislation may also be obtainable which would allow experimental programs utilizing ex-offenders or persons from minority groups without full compliance with civil service regulations. Such programs should be regulated to some extent to protect against return to political appointments. This can be accomplished by directing that the civil service commission supervise such a program or that the department of corrections adopt detailed rules and regulations concerning the program which insure against abuse.

C. Department of Corrections

In those states where civil service systems do not control personnel policies, it is likely that such policies are determined by the state department of corrections or comparable agency. The legislature could delegate to such a department the establishment of hiring and promotion policies and the development of pre-service and in-service training programs. The fears with this approach are threefold: First, it may allow a return to the past tradition of political and non-professional appointments. Secondly, correctional agencies may not really believe in upgrading line personnel or otherwise they would have done it already. Third, correctional agencies may allow expediency and lack of resources to dictate the level of qualifications established. None of these fears are necessarily well-founded. Like merit systems, the success or failure of the program will depend on the quality of individuals managing the program.

Legislation can restrict the power of administrators to make political appointments. The department of corrections can be required to publish precise rules and regulations spelling out, for review of the legislature and the public, the qualifications for appointment and the procedures to be utilized in deciding between qualified applicants. The scrutiny of the public

may be more effective in insuring against political patronage than the inflexibilities of civil service systems.

While the past cannot be forgotten, it does not inevitably follow that the past will be repeated. Corrections has in most states come out of the "dark ages" if not fully into the light. Contemporary correctional administrators for the most part are professionals who recognize the needs as well as the limitations of their present programming and personnel. It is true that where top managers are political appointees, lower level staff may be appointed on similar considerations. Even in states where an elected official has unrestricted power to appoint the top correctional administrators, there is a growing recognition that correctional agencies must be staffed by trained professionals. Corrections is today too sensitive a governmental undertaking to be left to untrained persons. Elected officials can no longer risk placing potentially explosive institutions under unqualified leadership as a political favor. Selecting qualified individuals not only makes good corrections, but good politics as well.

The argument that a department of corrections will be governed by expediency in setting standards is real enough. On the other hand, establishment of unattainable qualifications does little to improve corrections and may tend in the long run to inhibit progress. It is unrealistic to expect a department to choose between no personnel and highly qualified personnel. Correctional agencies will require manpower, and the quality of the staff will ultimately be determined by available resources, not by standards, no matter how or by whom imposed.

Appendices B and C provide examples of presently effective statutory provisions authorizing a state department of corrections to establish training and educational incentive programs.

D. Correctional Officer Standards and Training Commission

A fourth alternative legislative structure for establishing qualifications and minimum education and training levels for correctional staff would be the creation of a broad-based commission at the state level to perform such functions. Such an alternative could be modeled after similar commissions established in California, Minnesota, New York, Florida, and many other states for police officers.*

The commission would be comprised of individuals some of whom have correctional expertise, some with educational background, and others from the community-at-large. Perhaps other segments of the criminal justice

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*It was recently reported that 41 states had enacted legislation requiring minimum training and/or selection standards for police officers and at least a majority of these are directed by a commission, board, council or comparable body. See Wall and Culloo, *State Standards for Law Enforcement Selection and Training*, Journal of Law Enforcement Education and Training, vol. 3, p. 19 (April 1973).

system would be represented. The commission would be empowered to establish both recruit and promotion qualifications as well as actively develop standards for education and training programs. If properly funded, the commission could enter into contracts with community and junior colleges, operate a tuition grant or pay incentive program for officers who attain higher standards of education or training, and conduct periodic evaluations of personnel and training practices.

The arguments on behalf of such a commission take many forms, both practical and theoretical, and parallel the development of police officer education and training programs. Like the police, corrections serves the public and thus the public has a substantial interest in the quality of the personnel. There are also thought to be perspectives on training and education which only public representatives can provide. This argument may be more persuasive with regard to police since police come in contact with the public on a regular and daily basis. Correctional officers in institutions do so only infrequently. However, the momentum for community-based corrections will increase correctional officer-public interaction.

A practical argument for such a commission stems from the past difficulties corrections and police have had in getting public recognition of their problems and thus obtaining adequate legislative support. A legislature is more likely to respond favorably to the requests of correctional agencies when these requests are supported by educators, criminal justice leaders, and public interest groups. By having representatives of such groups serving on a commission which establishes training and educational standards, the chance of obtaining adequate resources to implement such standards increases. (For instance, community and junior colleges have access to education and training funds that may be combined with funds earmarked only for use by such a commission). Thus the major value in such a broad-based structure may be not in the ease with which the standards will be established but with the added potential for implementation.

A commission structure will inevitably raise the issue of whether corrections should have its own commission or whether one commission should be established for the entire criminal justice system. It is increasingly recognized that the various governmental agencies which function to control crime actually should operate as a coordinated, interrelated system rather than as separate elements. What police officers do affects what corrections can accomplish and vice-versa. In fact, with expanding community-based correctional programs, police, court personnel, and correctional officers will increasingly come in contact with each other and mutual understanding will be essential. Training and educational qualifications for all personnel must be integrated. Thus in the long run, it may well serve the public interest best if attempts are made to pursue system-wide training and educational programs.

The utilization of persons other than professional correctional personnel to establish standards for corrections also runs certain risks. Qualifications so established may not be realistic or related to the tasks involved. Also, attempts to professionalize corrections are inhibited when members outside the

profession have a role in setting qualifications for membership. Doctors would react in horror to the thought of persons other than doctors establishing the requirements necessary to practice medicine. In considering the establishment of such a commission, the legislature will have to balance these risks against the possible benefits.

The pioneer state in this area is Maryland, which by 1970 enactment* created a Correctional Training Commission to prescribe mandatory in-service training curricula for correctional officers, establish standards for approval of schools conducting such training courses, specify qualifications for instructors and "consult and cooperate with universities, colleges and institutions for the development of all general and specialized courses of study for correctional officers." The text of the Maryland statute is set forth in Appendix D.

Another statutory commission to establish correctional officer standards is contained in Appendix E. The proposal was submitted to the California legislature in 1972 and approved but subsequently vetoed by the Governor (SB-821). It was reintroduced in 1973 (SB-705) with some changes and at this writing, had passed in one house but had not yet been enacted.

E. Local Jail Personnel

The preceding discussion of legislative structure is addressed primarily to upgrading correctional officers at the state level. However, many correctional institutions are run by local subdivisions of government, the county or municipal jail being the most obvious example. How the state legislature approaches the problems of upgrading the staff of these institutions and their programs raises additional problems.

There is much momentum within corrections for the creation of unified correctional systems wherein the state department would operate and control all correctional facilities, including local jails. There are also obvious pressures against such a proposal. Until such unification occurs the state may still assume an interest in establishing some standards for the operation of local jails. **Not only would there be a legitimate state interest in upgrading the personnel in these facilities, but there is also the interest in maintaining

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*Maryland Annotated Code, Article 41, Sec. 70B. See *First Annual Report, Maryland Correctional Training Commission*, 40pp. (Dec. 1, 1972) for details on program, courses offered, budget and trainee coverage (1,000 correctional officers, parole/probation agents, administrators and consultant/trainers).

**This authority, for example, is provided in *State Department of Correction Act*, see. 4(c) (2), Advisory Commission on Intergovernmental Relations (1971) and *Standard Act for State Correctional Services*, sec. 3, National Council on Crime and Delinquency (1966). See also ABA Statewide Jail Standards and Inspection Systems Project, *Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities* (rev. March 1973).

some uniformity of quality within a given state. Thus, a legislature may well determine to enact legislation which establishes standards for personnel in local facilities and incentives for improving the educational and skill level of such staff. In doing so, it confronts many of the same problems discussed above. Statutory standards are inappropriate and thus some delegation of authority to set standards seems inevitable.

Such delegation could be made either to a state department of corrections or to a broad-based commission, both of which are discussed above. Where standard setting is conferred, it may be that the legislature should also provide funding to enable local jurisdictions to contract with community and junior colleges in providing education and training to meet the standards imposed. As a community installation, the local college may be uniquely equipped to assist a local jurisdiction or a consortium of jurisdictions, either alone or in conjunction with state-operated training academies or courses.

Two provisions which grant the authority to establish standards, conduct training programs, and provide financial incentives for educational advancement are contained in Appendices F and G. The California proposed bill establishing a broad-based commission set out in Appendix E also applies to local correctional facilities.

CONSIDERATIONS FOR LEGISLATIVE ACTIVITY

Correctional officer education wil not progress without adequate attention by the legislature. Statutory provisions must establish the structure to facilitate the upgrading of correctional officers. Additionally, resources must be provided in order that standards once established can be attained. Thus, all paths ultimately lead to the legislature.

In order to obtain an adequate legislative response, correctional agencies must devise a strategy in approaching the legislature in general and individual legislators. The purpose of this section is to set out some issues which should be considered in this effort. Each state has different traditions and different procedures. Each state legislature has a character of its own. Thus, no one model for successful legislative influence can be proposed. What may work in one state may be counterproductive in another. The only universal is that achieving legislation is a difficult and demanding enterprise. It cannot be left to chance.

Corrections has only recently been pulled grudgingly into the public spotlight. A review of past efforts and past resources would indicate that corrections has not been successful in obtaining what was needed from state legislatures. Legislators, of course, respond to problems and pressures of current moment. For good or ill, corrections' time has come.

Proponents of legislation should begin considering the problems of passage from the moment they decide to seek legislation. Early decisions need to be made which may dramatically affect the success or failure of the effort.

Two issues arise immediately: How is the proposed legislation to be drafted and who is to be consulted.

The drafting of legislation can have an effect on passage. Legislators generally recognize good draftsmanship. It is possible to draft a bill which both accomplishes the ends sought and is intelligible to a wider audience than lawyers. The commitment to sound drafting is essential.

Proponents have to decide what is to be covered by the bill. Legislators respond differently to the idea of a large comprehensive bill or a number of smaller bills. Thus it may be that correctional agencies should attempt to combine their efforts and issues into a single piece of legislation. This may be useful for two reasons: A legislator may not be committed to correctional reform unless he thinks he is doing something exciting. While some problems could be solved by tinkering with existing law, a legislator has to have something important to present. A large comprehensive bill has an appropriately impressive title may garner support not otherwise forthcoming. It will at least preclude disinterest. It is also easier to marshall outside support when the bill is big and important and promoted as such.

In many states tradition provides that the state agency submits its ideas to a central bill drafting office which attempts to write the ideas into legislative language. Where possible, corrections should attempt to do its own drafting with the assistance of its friends. Those who write the first draft have momentum and the ability to consult numerous people on their ideas. In many states, members of the bar may be willing to donate their services in this regard. In addition the American Bar Association Commission on Correctional Services and Facilities has consultant assistance available for this purpose.*

Critical to the success of any legislative effort is the extent to which all interested officials, agencies, and "pressure groups" are consulted. Corrections cannot lobby for corrections alone nor can community colleges lobby for recognition of educational attainment alone. The more different groups which can be convinced to assist, the more successful the outcome. Collaboration among the interested groups is essential. Sources of possible resistance should be neutralized from the beginning rather than waiting for a confrontation at the legislature itself. The maximum amount of consultation should be an essential part of the overall strategy.

The legislative committee which will review the bills, state officials from the Governor to Attorney-General, and other influential forces should be made aware of what is intended and be assured that they will be consulted after a tentative draft is devised. The press may also be apprised of the need for and activity toward the proposed bill. Those whose assistance will be required during the lobbying stage should be advised immediately.

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*This may be obtained from the Commission's *Resource Center for Correctional Law and Legal Services*, Suite 600, 1705 DeSales Street, Washington, D.C. 20036.

Most people and officials will be satisfied if they are kept informed and assured they will have an opportunity for comment before a final draft is finalized. When the tentative draft is complete, the more essential individuals should be granted the courtesy of a personal explanation of the provisions and an opportunity to recommend but not dictate changes. Proponents must of course always be willing to compromise and to do this must have something to trade. A large bill with many provisions provides more room for negotiation.

Building legislative and public support for the proposal is a continuing adventure. What follows is a list of possible individuals or groups which should be enlisted** and some comments on each.

1. The Bar Association. Many lawyers have recognized their responsibilities in the area of correctional reform. The ABA is encouraging local associations to establish committees whose major function will be to assist in the development of correctional programs. In addition, lawyers are often in daily contact with state senators and representatives. They are constantly asking for support for legislation designed to assist special interests although arguments are frequently made that passage will indeed promote the public interest as well. These individuals may welcome the opportunity to support sound correctional legislation at no charge to enhance their image in legislative circles as well as advance sincere public interest sentiments.

2. Educational Institutions. In promoting educational improvement for line officers, a cooperative effort in urging passage of legislation should be undertaken with both correctional and educational support. If community and junior colleges will have the major responsibility of developing and operating degree programs for line personnel, the best allies the corrections profession may have could be the community college presidents, state community college officials, and their respective board members. Interested university groups should also be involved. Educators cannot be ignored in the struggle for this kind of legislation. Their expertise and the resources they command will reinforce the efforts of correctional officials.

3. Service Organizations. Many service organizations are presently conducting programs within institutions or otherwise interested in corrections. The Junior Chamber of Commerce is particularly active on a national level. Other groups such as Rotary International, Sertoma, Toastmasters, and others have participated in correctional efforts. In many states, individual legislators belong to these groups or have good friends who do. These organizations can be of invaluable assistance in achieving legislative success. A legislator may respond as readily to a respected acquaintance or friend from his home district than to the director of corrections.

4. Labor Unions. Labor unions also need to lobby for public interest

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**The enumeration is of groups outside the correctional system. It is assumed, of course, that correctional administrators, educators, and workers (both adult and juvenile) will be involved throughout the process.

legislation as well as bills that effect their self-interest. Unions which do not have membership within the correctional agency may support programs designed to upgrade correctional workers as consistent with their own legislative goals. Where correctional officers are represented by a union, it is essential that the leadership be consulted from the beginning of the enterprise. No labor union can watch legislation develop directed at their membership without a response. Where adequate consultation is not implemented from the beginning, the chances of union opposition to the effort increase.

5. Outside Experts. Each state may respond differently to the advice of "experts" from outside their boundaries. In some legislatures, expert testimony is appreciated and often persuasive. In others, it is less well received. Where useful, correctional authorities from states which have already implemented reforms may be persuasive advocates. Particularly where the proposed reform is wide-ranging, testimony that the reform has worked elsewhere will ease the fears of charting unknown seas.

6. Political Parties. Utilizing the political parties runs the risk of creating unnecessary partisan division. On the other hand, if both political parties will support reform, passage may be facilitated and provide a desirable nonpartisan posture for the legislation.

7. The Governor. The "man at the top" has to be either on your side or neutral. In most states he presents a "State of the State" address. Attempts to insert in that speech some call for correctional reform are useful. Likewise, it is important to recognize that the Governor's administrative assistants often exercise significant influence on his positions.

8. Other State Officials. Many of those interested in criminal justice reform will probably be on the State Planning Agency for distribution of federal funds. The premise of the Omnibus Crime Control and Safe Streets Act* was to bring the disparate elements of the criminal justice system together in working for total system change. That ideal has certainly not been reached in many places. But the idea is still sound. These officials should be asked to support the bill.** Police have much to offer corrections in legislative relations and vice-versa.

9. The Press. Corrections has tended to exclude the press from its activities. This has been a mistake. While the press at times may tend heavily toward emphasizing deficiencies they can also be useful in supporting attempts at improvement. Early contact with reporters during the legislative process with background and briefing sessions can result in beneficial news stories and editorials.

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*Public Law 90-351 (1968) as amended by Public Law 91-644 (1971), 41 U.S. Code Sec. 3701 et seq.

**For a review of current recognition of corrections education needs in total system planning, see COEP Survey, *Analysis of State Law Enforcement Improvement Plans re Role of Two-Year Colleges in Correctional Staff Development* (April 1973—21 pp.)

Once the bill is introduced and the legislative process begins, the proponents ought to be in constant contact with the legislators who introduced it and those individuals who are in a position to know how it is proceeding. Documents in concise, layman's language explaining the bill ought to be prepared and distributed to every legislator. In addition, a detailed document providing all arguments for the proposal and answers to possible contrary views should be available to the legislators who are sponsoring the legislation. Where possible, background sessions with legislators as well as press will facilitate understanding of the proposal.

Where hearings are held, an attempt should be made to indicate a broad base of support. Who speaks at hearings is often as significant as what is said. The impression should be left that a number of officials, agencies, groups, and individuals with a wide range of interests support the proposal.

If the proposal is passed, it is essential that the persons working for the bill be given credit, particularly the public officials who face election. Once a winning team is put together for one piece of legislation, thoughts ought to be directed toward utilizing it periodically in the future for additional efforts. Politicians rightfully want their constituents to know they are working in the public interest, and it is important they receive appropriate recognition.

CONCLUSION

As suggested earlier, there are no patented or "failsafe" methods of structuring a legislative effort to upgrade correctional officer selection, education and staff development. Nor is there any sure way of achieving success within a legislature. This pamphlet has attempted to highlight some issues which will inevitably arise, to suggest some proposals for consideration, and to encourage joint sponsorship of legislative efforts to improve training and education for correctional line personnel.

It may well seem that some of the issues discussed herein are secondary or collateral to the most pressing needs of correctional system improvement. However, the merits of upgrading correctional staff in light of the national priority for crime control and the past neglect of correctional programs and manpower would make sound proposals for reform meritorious and, quite likely, acceptable to progressive state executive departments and legislative bodies. Moreover, the alignment with the bar assocaition and with the community and junior colleges—institutions that increasingly are being called upon to devise and support methods to improve the quality of line personnel in corrections—should strengthen the case of corrections before the state legislature.

The fact remains that society faces many problems, both immediate and long-range. The procedures correctional agencies pursue in attempts to im-

plement reforms may be far more critical and far more important for success than the nature of the reform itself. That is why this discussion has attempted to explore techniques as well as substantive goals and to caution—whether activity be on the legislative, executive or administrative planning level—that careful planning, realistic assessment of local conditions and governmental restraints, and a flexible approach in selecting alternative solutions that offer the best prospects for adoption, be guiding principles in all action undertaken.

APPENDIX A

Statutory provision modifying civil service provisions for correctional officers. Massachusetts Gen. Laws Ann. c. 125 §9 (Supp. 1973).

§ 9. Training academy for officers; appointment of trainees; provisional and permanent appointment as officers; probationary period; tenure and benefits; restriction

The commissioner shall establish a training academy in cooperation with the municipal police training council and using their facilities and programs where appropriate and such other courses or places of training as he deems necessary for the training of correction officers, other employees of the department, persons appointed as correction officer trainees in accordance with this section and, by agreement, officers of county correctional facilities. The commissioner may appoint as a correction officer trainee, for a period of full-time training including on-the-job training, any citizen of the commonwealth who meets the qualifications required of applicants for appointment to the position of correction officer. Appointment to the position of correction officer trainee shall not be subject to section nine A and nine B of chapter thirty, or chapter thirty one, nor shall a correction officer trainee be entitled to any benefits of such laws or civil service rules. Such appointment may be terminated in accordance with such conditions as the commissioner may prescribe. A correction officer trainee shall receive such compensation and such leave with pay as the commissioner shall determine and shall be considered an employee of the commonwealth for the purposes of workman's compensation. Upon successful completion of training, a correction officer trainee shall be appointed, if a vacancy exists, to the position of provisional correction officer, provided there is no suitable civil service eligible list for correction officer.

A correction officer trainee shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from his compensation for the purpose thereof, but a correction officer trainee who during the period of his training or provisional appointment status passes a competitive civil service examination for appointment to the department of correction and is appointed a permanent full-time correction officer shall have his trainee service considered as "creditable service" for purposes of retirement, provided he pays into the annuity savings fund of the retirement system such amount as the retirement board determines equal to that which he would have paid had he been a member of said retirement system during the period of his training.

In accordance with civil service laws and rules the division of civil service shall certify the names of applicants from an established list for correction officers to the commissioner who shall appoint said applicants as correction officers. Newly appointed correction officers who have not successfully completed training as correction officer trainees shall be assigned to a period of training as the commissioner shall prescribe. Notwithstanding any civil service law or rules, a correction officer must serve a probationary period of nine months before becoming a full-time permanent employee of the department. Time spent in training shall be considered a part of the probationary period.

Notwithstanding any provision of law to the contrary, but subject, however, to the provisions of section sixty of chapter one hundred and nineteen, no person who has been convicted of a felony, or who has been confined in any jail or house of correction, shall be appointed to any position in the department of correction unless the commissioner certifies that such appointment will contribute substantially to the work of the department, except that in no case shall such a person be appointed to the position of correction officer, superintendent, deputy superintendent, assistant superintendent, or any other position involving the regulation of state or county correctional facilities.

The commissioner may expend such sums as may be appropriated or otherwise received to maintain and operate the training academy and other training centers and programs and maintain trainees and employees during any period of training. Amended by St.1960, c. 201; St.1961, c. 90; St.1964, c. 348; St.1972, c. 777, § 9.

APPENDIX B

Statutory provisions granting the Department of Corrections authority to operate training programs and provide educational stipends. Minn. Stat. Ann. §241.01 (5) (1972)

Subd. 5. Training program. For the maintenance of adequate standards of operation in discharging the functions of the department, obtaining suitable candidates for positions for which there is a scarcity of qualified applicants, and the development of more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes, and of more effective delinquency prevention the commissioner of corrections shall establish a training program including but not limited to in-service, pre-service, internship and scholarship programs, and an operational research program. Within the limits of appropriations available, the commissioner may provide educational stipends or tuition reimbursement in such amounts and upon such terms and conditions as may be determined jointly by the director of civil service. Within the limits of appropriations therefor the commissioner shall establish and provide personnel, facilities and equipment for research and study to evaluate the effectiveness of correctional treatment in camps, institutions, probation and parole investigation and supervision and delinquency prevention.

APPENDIX C

Statutory provision granting the Department of Corrections the authority for staff training and development. Ill. Unified Code of Corrections §1003-2-7 (1972)

§ 1003–2–7. Staff Training and Development

(a) The Department shall train its own personnel and any personnel from local agencies by agreements under Section 3–15–2.[1]

(b) To develop and train its personnel, the Department may make grants in aid for academic study and training in fields related to corrections. The Department shall establish rules for the conditions and amounts of such grants. The Department may employ any person during his program of studies and may require the person to work for it on completion of his program according to the agreement entered into between the person receiving the grant and the Department.

APPENDIX D

Statutory provision creating a Correctional Training Commission within the Department of Public Safety and Correctional Services. Ann. Code of Maryland Art. 41, § 70B (Supp. 1972).

CORRECTIONAL TRAINING COMMISSION

§ 70B. Purpose; definitions; Commission established; membership; chairman; meetings; vice-chairman; records; reimbursement for expenses; reports; powers and duties generally; correctional officers; powers and duties of municipal and county governments not limited.

(a) *Declaration of legislative purpose.*—The General Assembly hereby finds and declares that a need for improvement in the administration of the correctional system exists in order to better protect the health, safety and welfare of Maryland citizens; that the ultimate goal of the correctional system is to make the community safer by reducing the incidence of crime; that establishing a system with significantly increased power to reduce recidivism and prevent recruitment into criminal careers will require a sufficient number of qualified staff to perform the many tasks to be done; that recent studies have revealed that greater training preparation for correctional work would be highly desirable; that this need can be substantially met by the creation of educational and training programs for persons who seek careers as correctional, probation and parole officers; that such persons should be required, while serving in a probationary capacity prior to permanent appointment, to receive efficient training provided at facilities approved by a commission created for such purpose; that by qualifying and becoming proficient in the field of corrections, such persons shall individually and collectively better insure the health, safety, and welfare of the citizens of this State.

(b) *Definitions.*—As used in this section:

(1) *"Approved correctional training school"* shall mean a school approved and authorized by the Correctional Training Commission to offer training programs as prescribed in this section.

(2) *"Commission"* shall mean the Correctional Training Commission or officers or employees thereof acting on its behalf.

(3) *"County"* shall mean any county which within its jurisdiction has or shall have a correctional unit as defined in this section.

(4) *"Correctional unit"* shall mean any governmental organization or activity of the State, any county, or any municipality which has by statute, ordinance, or court order the responsibility for the care, control and

supervision of inmates in correctional institutions, for persons declared to be parolees or for persons placed on probation or suspension of sentence. However, the term "correctional unit" shall not include the State Department of Juvenile Services.

(5) *"Municipality"* shall mean any incorporated city of any class which, within its jurisdiction, has or shall have a correctional unit as defined in this section.

(6) *"Permanent appointment"* shall mean an appointment having permanent status as a correctional, parole, or probation officer in a correctional unit as defined in this section.

(7) *"Correctional officer"* shall mean a member of a correctional unit, as defined in this section, who is charged with and actually performs those duties that relate to the investigation, care, custody, control or supervision of: persons confined to places of incarceration or detention, or persons under parole supervision, or persons placed on probation.

The term "correctional officer" shall not include any person serving as such solely by virtue of his occupying any other office or position, nor shall such term include the head or deputy head of any correctional unit, any sheriff, warden, superintendent or any person having any equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority.

(c) *Commission established; membership; chairman.*—There is hereby established in the Department of Public Safety and Correctional Services of the State of Maryland, a Correctional Training Commission whose membership shall consist of the following eleven persons:

(1) The deputy secretary for correctional services; the Director of the Division of Parole and Probation; the Commissioner of Correction; the president of the Maryland Community Correctional Administrators Association; the president of the Maryland Sheriffs Association; the president of the Maryland Probation, Parole and Correction Association; the chief, jail inspection services, Federal Bureau of Prisons; the president of the Baltimore City jail board; and three correctional, parole or probation officers or officials of the State to be appointed by the Secretary of Public Safety and Correctional Services, with the approval of the Governor, to represent different geographic areas of the State, the appointments to be made to three-year terms provided that, for the initial term, one official shall be appointed for a term of one year, one for a term of two years, and one for a term of three years.

(2) The deputy secretary for correctional services shall be the chairman of the Commission.

(d) *Meetings; election of vice-chairman; quorum; minutes and records; reimbursement for expenses; reports.*—(1) The Commission, at its initial organization meeting to be held promptly after the appointment and quali-

fications of its members, and thereafter annually, shall elect a vice-chairman from among its members. The Commission shall meet at such times within the State of Maryland as a majority of its members or its chairman or the Secretary of Public Safety and Correction may determine. A majority of the Commission shall constitute a quorum for the transaction of any business, the performance of any duty, or for the exercise of any of its authority.

(2) The Commission shall maintain minutes of its meetings and such other records as it deems necessary.

(3) The members of the Commission shall receive no salary for service on the Commission, but all members shall be reimbursed for their reasonable expenses lawfully incurred in the performance of their official functions.

(4) The Commission shall report at least annually to the Governor, the Secretary of Public Safety and Correctional Services and the legislature as to its activities.

(e) *Powers and duties generally.*—Subject to the authority of the Secretary of Public Safety and Correctional Services, the Commission is vested with the following powers, authority, responsibilities, and duties:

(1) To prescribe standards for the approval and the continuation of approval of all schools at which correctional, parole or probation training courses required by the Commission shall be conducted including but not limited to present existing State, regional, county and municipal training schools;

(2) To approve and issue certificates of approval to such correctional training schools, to inspect such schools from time to time, and to revoke for cause any approval or certificate issued to such school;

(3) To prescribe the curriculum, the courses of study, attendance requirements, eligibility to attend, equipment and facilities, and standards of operation for such training schools;

(4) To prescribe minimum qualifications for instructors at such schools and to certify, as qualified, instructors for approved training schools and to issue appropriate certificates to such instructors;

(5) To certify correctional officers who have satisfactorily completed training programs and to issue appropriate certificates to such correctional officers;

(6) To appoint, with the approval of the Secretary of Public Safety and Correctional Services, an executive secretary to serve at its pleasure, who shall perform general administrative functions, and to fix his compensation;

(7) To employ such other persons as may be necessary to carry out the provisions of this section, upon approval of the Secretary of Public Safety and Correctional Services, and as provided for in the State budget;

(8) To promulgate with the approval of the Secretary of Public Safety and Correctional Services, such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this section;

(9) To make a continuous study of correctional training methods and procedures for all correctional schools and to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(10) To consult and cooperate with universities, colleges and institutions for the development of all general and specialized courses of study for correctional officers as defined in this section;

(11) To consult and cooperate with other departments and agencies of the State concerned with correctional training;

(12) To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this section.

(f) *Correctional officers—Probationary appointment to enable person to take training course.*—A probationary appointment as a correctional officer as defined in this section may be made for a total period not exceeding one (1) year for the purpose of enabling such a person seeking permanent appointment to take a training course as prescribed by the Commission. Such an appointee shall be entitled to leave of absence with pay during the period of the training program.

(g) *Same—Qualifications.*—On or after July 1, 1972, no person shall hereafter be given or accept a probationary or permanent appointment as a correctional officer, as defined in this section, unless such person satisfactorily meets such qualifications as may be determined by the Commission.

(h) *Powers and duties of municipal and county governments not limited.*—Except as expressly provided in this section, nothing herein contained shall be deemed to limit the powers, rights, duties or responsibilities of municipal or county governments. (1971, ch. 213.)

Editor's note.—Section 2, ch. 213, Acts 1971, provides that the act shall take effect July 1, 1971.

* Note: By the end of 1972, the Maryland Correctional Training Commission had prescribed minimum training curricula for 3 categories of workers—correctional officers, parole/probation agents, and classification counselors. Programs had been conducted for trainers, supervisors, top administators, parole/probation agents and correctional officers (about 1000 trainees). This was accomplished with staff, departmental and consultant resources, but no major input from local community colleges or other higher education institutions. First Annual Report to the Governor - December, 1972.

APPENDIX E

Proposed California legislation establishing a Commission on Correctional Standards. SB-705, 1973.

AMENDED IN SENATE, MAY 30, 1973

SENATE BILL No. 705

Introduced by Senators Nejedly, Dymally, Short, Song, and Way

April 11, 1973

An act to add Title 8 (commencing with Section 7000) to Part 3 of the Penal Code, relating to corrections, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as amended, Nejedly. Correctional personnel.

Establishes Commission on Correctional Standards. Provides, generally, for organization, operation, and duties of commission.

Authorizes commission to allocate state aid to city, county, district, regional, private, or state correctional agencies, as specified, from any money appropriated therefor.

Appropriates $100,000 from General Fund to commission for purpose of organizing the commission and enabling it to begin to employ staff and develop operational plan, and authorizes commission or Secretary of Health and Welfare Agency to submit request for additional financial assistance in organizing the commission to the California Council on Criminal Justice.

Specifies powers and duties of commission with respect to raising level of effectiveness and competence of correctional personnel, as defined.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Title 8 (commencing with Section 7000) is added to Part 3 of the Penal Code, to read:

TITLE 8. COMMISSION ON CORRECTIONAL STANDARDS

CHAPTER 1. GENERAL

7000. There is in the Health and Welfare Agency a Commission on Correctional Standards, referred to in this article as the commission.

7001. (a) The commission consists of 11 members, who shall be appointed by the Governor after consultation with, and with the advice of, the Secretary of Health and Welfare, and with the advice and consent of the Senate.

In making the appointments, the Governor shall endeavor to ensure a reasonable balance in representation between state, local, and private correctional programs, between youth and adult correctional programs, and between institutional and community-based correctional programs.

There shall be at least one representative from each of the following categories:

(1) An administrative official of a state correctional agency.

(2) A sheriff or other administrator of a local correctional or detention facility.

(3) A chief probation officer or other administrator of a local community-based correctional program.

(4) A nominee of a statewide association of correctional personnel, who shall have substantial experience in institutional correctional programs.

(5) A nominee of a statewide association of correctional personnel, who shall have substantial experience in community-based correctional programs.

(6) A person with substantial experience in the work of private correctional agencies or programs.

(7) A college or university professor qualified in the field of corrections.

(b) Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and two for a term of four years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

7002. The commission shall select a chairman and a vice chairman from among its members. Six members of the commission shall constitute a quorum.

7003. Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his state or local governmental employment.

7004. The commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper.

(b) To employ such staff, and to form such advisory bodies, as may be necessary.

(c) To contract with such other agencies, public or private, or persons as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out is duties and responsibilities.

(d) To cooperate with and to secure the cooperation of state and local agencies, both public and private, in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions.

(e) To cooperate with and secure the cooperation of officers, agencies, and bodies having jurisdiction over systems of higher education in the development of college-level training and education programs to effectuate the purposes of this title.

(f) To do any and all other things necessary or

convenient to enable it fully and adequately to perform the duties and to exercise the power granted to it by this title or by any other provision of law.

7005. The commission shall make such inquiries as may be necessary to determine whether every city, county, district, regional, private, or state agency is adhering to the standards established pursuant to this title.

7006. Upon the request of a city, county, district, regional, private, or state correctional agency, the commission shall contract to provide a counseling service for the purpose of improving the administration, management, or operations of such agency and may aid any such agency in implementing improved practices and techniques.

7007. Any city, county, district, regional, private, or state correctional agency which desires to receive state aid pursuant to this title shall make application to the commission for such aid. The initial application shall be accompanied by a certified copy of an ordinance or resolution adopted by its governing body or duly adopted regulation providing that while receiving any state aid pursuant to this title, the agency shall adhere to the standards established by the commission. The application shall contain such information as the commission may request.

7008. The commission shall annually allocate and the State ~~Treasurer~~ *Controller* shall periodically pay from the General Fund, out of any money appropriated for the purpose of this title, at intervals specified by the commission, to each city, county, district, regional, private, or state agency which has applied and qualified for aid pursuant to this title an amount determined by the commission pursuant to standards set forth in its regulations.

In no event shall any allocation be made to any agency which is not adhering to the standards established by the commission as applicable to such agency.

7009. The commission shall report annually and simultaneously, on or before January 1 of each year, to the

Health and Welfare Agency and to the Legislature with respect to the progress of its work and shall make recommendations for legislative and administrative action to assist in achieving the purposes of this title.

CHAPTER 2. CORRECTIONAL PERSONNEL

7020. For the purposes of this chapter, the term "correctional personnel" includes, but is not limited to, any person working for the Department of Corrections, the Department of the Youth Authority, any correctional or detention facility, probation department, community-based correctional program, or other federal, state, local, or private agency facility or program in which the person's work is designed to further the custody, supervision, treatment, or rehabilitation of persons accused of or adjudged responsible for criminal or delinquent conduct.

7021. For the purpose of raising the level of competence of correctional personnel, the commission shall adopt, and may from time to time amend, rules establishing minimum standards for the development of effective and competent correctional personnel, including, but not limited to, recommended salary structures and both minimum and recommended standards for the recruitment, selection, and training of correctional personnel. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

7022. The commission shall have the power to plan, recommend, establish, coordinate, and support programs designed to increase the effectiveness and competence of correctional personnel, including, but not limited to, programs designed to improve the recruitment, selection, and training of such personnel, and also including programs designed to educate peace officers, attorneys, judicial personnel, and other persons whom the commission deems appropriate, regarding those aspects of the correctional system that relate to their

duties and responsibilities.

SEC. 2. The sum of one hundred thousand dollars ($100,000) is appropriated from the General Fund to the Commission on Correctional Standards for the purpose of organizing the commission and enabling such commission to begin to employ staff and to develop an operational plan.

The commission or the Secretary of the Health and Welfare Agency may submit a request for additional financial support to the California Council on Criminal Justice or the Law Enforcement Assistance Administration of the United States government.

The Secretary of the Health and Welfare Agency shall, so far as is compatible with other demands upon Health and Welfare Agency facilities and personnel, make available such facilities and the services of such personnel to assist in organizing the commission.

APPENDIX F

Statutory provision granting the Department of Corrections authority over local jails including staff development. Ill. Unified Code of Corrections §1003-15-2 (1972).

§ 1003–15–2. Standards and Assistance to Local Jails and Detention Facilities

(a) The Department shall establish for the operation of county and municipal jails and houses of correction and juvenile detention facilities minimum standards for the physical condition of such institutions and for the treatment of inmates with respect to their health and safety and the security of the community and to make recommendations to such institutions to assure compliance with the requirements of such minimum standards.

(b) At least once each year, the Department shall inspect each such facility for compliance with the standards established and the results of such inspection shall be made available by the Department for public inspection. If any detention or correctional facility does not comply with the standards established, the Director of Corrections shall give notice to the county board and the sheriff or the corporate authorities of the municipality, as the case may be, of such noncompliance, specifying the particular standards that have not been met by such facility. If the facility is not in compliance with such standards when six months have elapsed from the giving of such notice, the Director of Corrections may petition the appropriate court for an order for the closing of that facility or for other appropriate relief.

(c) The Department shall provide consultation services for the design, construction, programs and administration of detention and correctional facilities and services for children and adults operated by counties and municipalities and shall make studies and surveys of the programs and the administration of such facilities. Personnel of the Department shall be admitted to these facilities as required for such purposes. The Department may develop and administer programs of grants-in-aid for correctional services in cooperation with local agencies. The Department shall provide courses of training for the personnel of such institutions and conduct pilot projects in the institutions.

APPENDIX G

Statutory provisions granting the department of Corrections authority to set minimum standards for local jails and to provide grant-in-aids to such institutions. Minn. Stat. Ann. §241.002(1) & (2) (1972).

241.022 Grants-in-aid to counties for detention facilities

Subdivision 1. Authorization to make grants. For the purpose of assisting counties to construct or rehabilitate local detention facilities and to assist groups of counties in the construction or rehabilitation of regional jails and lockups, work houses, or work farms, and detention and treatment facilities for adult offenders, youthful offenders, and delinquent children, and to aid such counties in developing and maintaining adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to such institutions, the commissioner of corrections is hereby authorized and empowered, out of any money appropriated for the purposes of this section, to make grants to such counties. The commissioner may also receive grants of funds from the federal government or any other lawful source for the purpose of this section, and such funds are hereby appropriated annually to the commissioner.

Subd. 2. Minimum standards. The commissioner shall establish minimum standards for the construction, rehabilitation, size, area to be served, training and treatment programs, staff qualifications, and projected annual operating costs of facilities to be rehabilitated or constructed. Compliance with these standards shall constitute a minimum requirement for the granting of assistance as provided by this section.

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OTHER PUBLICATIONS

Correctional Officers Educational Program

Improving Corrections Personnel Through Community Colleges, Andrew S. Korim (Final COEP Report, 1973 - 15 pp.)

Guidelines for Corrections Programs in Community and Junior Colleges, V.B. Fox (American Association of Junior Colleges, 1969 - 44pp.)

Line Officer Educational Needs - Consensus Among Correctional and Academic Administrators, Andrew S. Korim and Jennifer Johnson (AAJC/ABA Correctional Officers Educational Program, 1972 - 2pp.)

Survey of Legislation, Regulations and Policies Supportive of Correctional Officer Education (Coordination Bulletin # 14 - February 1973)

Survey of Line Officer Educational Needs (Coordination Bulletin # 15 - February 1973)

Analysis of State Law Enforcement Plans re Role of 2-Year Colleges in Correctional Education (Coordination Bulletin # 16 - April, 1973)

Resource Center on Correctional Law and Legal Services

Prisoners Rights Litigational Monographs - 235 pp., 1973.

Providing Legal Services to Prisoners - 87 pp., 1973

Survey of Parole Revocation Procedures _ 42 pp., 1973

Law Reform Coordination Bulletins - # 1 "Statutory Authorization for Furlough Programs"; # 2 "Policy Positions on Prison Construction"; # 3 "Justice Behind Bars: Time to Arbitrate"; # 4 "Correctional Statistics".
(Commenced January, 1973, no regular released schedule)